

Title IV-E

Court Order Language and Timelines

DESIRED OUTCOMES

- To understand why IV-E funding is important to children and families in Nebraska
- To understand what court order language is required to meet IV-E eligibility requirements
- To understand the specified IV-E timelines required for court orders
- To understand when a new court order for legal custody is required

What is IV-E?

IV-E refers to Title IV, Part E of the Social Security Act, that provides federal guidelines to qualify children for reimbursement of foster care, adoptions and guardianships, with federal monies.

- 51% (fluctuates yearly) of the maintenance costs for DHHS State Wards and Tribal Wards, who are placed in out of home care when IV-E eligibility criteria is met.
- 50% of the Administrative costs related to IV-E eligible children based on the Random Moment Time Study.
- 75% of the Training costs related to IV-E.

Benefits of IV-E

- The reimbursement received by the State of Nebraska enables the Nebraska Department of Human Services to offer services for children and families
- IV-E eligibility means the child is categorically eligible for Medicaid
- Without IV-E funding many of our contractors that work with DHHS would not have contracts with our office due to inadequate funding

Benefits of IV-E (continued)

- IV-E eligibility allows transfer of Medicaid to other states when a State Ward or Tribal Ward is placed with a licensed placement outside of Nebraska
- IV-E eligibility in foster care allows for IV-E eligibility in subsidized adoption
- IV-E eligibility in foster care can allow for IV-E eligibility in subsidized guardianship

IV-E ELIGIBILITY REQUIREMENTS

The Three Legged Stool

1. The State or Tribal Ward's Eligibility
2. The Placement Provider's Eligibility
3. The Service Eligibility

State or Tribal Ward's Eligibility Criteria

- The child must be a United States Citizen or meet immigration status for legal residence.
- The child must be removed from a specified relative's home, or have been living with a specified relative in the last 6 months, prior to removal.
- The family and child need to meet AFDC financial eligibility.
- The child must be deprived of parental support

State or Tribal Ward Child's Eligibility Criteria (continued)

- The court order for legal custody must meet federal guidelines.
- A permanency review is required every 12 months to continue IV-E eligibility

Establishing Child's Citizenship

- Title IV-E agencies are required to verify the citizenship or immigration status of all children receiving Federal foster care maintenance payments, adoption assistance payments or Independent living services.

Removed from Parent or Specified Relative

- The Child must have been in a home of Specified relative during the month of removal; or
- The Child must have been living in the home of a specified relative within six months of the child's removal.
- A specified relative may be a parent, or anyone related to the child by blood, marriage, or adoption.

Financial Eligibility under Aid to Families with Dependent Children (AFDC)

- AFDC July 1996 standards are used, per Federal guidelines.
- Household's size is determined by whom the child is removed from and the number of parents and sibling in the home at the time a court order for removal is initiated.
- Income and resources must be below the AFDC limit for the household size.

Financial Information Considered

- Earned income of the parent the child was legally removed from
- Unearned income in the household
- Resources limit is \$10,000.00 or less

Deprivation of Parental Support

The child must be deprived of parental support for one of the following reasons:

- A parent has died
- A parent has a documented mental or physical incapacity
- A parent is continually absent from the home
- The principle wage earner is unemployed or under employed

Court Order Details

At the time of the initial physical removal of the child from the parental or specified relative home the court order must address:

- It is **Contrary to the welfare** of the child to remain in the home; or it is in the **best interest** of the child to be removed from the home.
- This judicial determination must be stated in the initial court order for physical removal. If **CTW** or **Best Interest** language is not found in the initial order, the child is ineligible for **IV-E** funding for the entire foster care episode.

Court Order Details (continued)

- The court may specify an alternative time frame for removal if the physical removal is not expected to happen by the end of the next business day. The order must specify a time period for the removal to be made or the child is ineligible for IV-E funding the entire foster care episode.
- The court must specify the child is placed in the custody of the Nebraska Department of Health & Human Services.
- Nunc Pro Tunc orders are not acceptable to meet IV-E required language.

Court Details (continued)

A court order must also state that:

- **Reasonable Efforts** were made to prevent or eliminate the need for removal of the child from the home; or
- Reasonable efforts were not required prior to removal
- Reasonable Efforts determination must be made within 60 days of the child's physical or constructive removal from the parental home.

Court Details (continued)

Reasonable Efforts are not required when:

- Certain felonies have been committed against the child or another child of the parent. [45 CFR § 1356.21(B)(3)(ii)]
- The parent has previously had parental rights to another child involuntarily terminated.
- When “aggravated circumstances” are present as specified and defined by state law. (abandonment, torture, chronic abuse, and sexual abuse)

Court Details (continued)

- A **constructive removal** is defined as a judicial ruling that sanctions the child's removal from the parent or specified relative while the child is living with a related or unrelated interim caregiver.
- This is a “paper removal.” Child remains in the home of the interim caretaker.

IN THE INTEREST OF

R [REDACTED] B [REDACTED]

A JUVENILE UNDER
18 YEARS OF AGEORDER

CASE NO. JV 16 - [REDACTED]

The Court, based upon the Motion and Affidavit filed in the above case, hereby finds that continuation of the juvenile in the home would be contrary to the welfare of the juvenile and placement of the juvenile outside the home is in the child's best interests. Further, the Court finds that reasonable efforts were made, prior to removal, to prevent or eliminate the need for removal and to make it possible for the juvenile to return home. The Court orders that R [REDACTED] B [REDACTED] be taken into temporary custody of the Nebraska Department of Health and Human Services and placed outside of the family home until a temporary custody hearing can be held.

DATED this 31st day of March, 2016 at 10:00 o'clock a.m.

[REDACTED]
County Judge

Reasonable efforts utilized to prevent the removal:

☐ Voluntary Case☐ Family Support☐ Safety Plan☐ Drug Testing☐ Formal Supports: _____☐ Informal Supports: _____

☒ Emergency Exists: Mother tested positive for meth and has removed her children from school. Mother cannot be located at the family residence. It appears likely she has fled the jurisdiction of the Court. R [REDACTED] is 15 yrs. old and pregnant.

FILED

MAR 31 2016



CLERK OF THE DISTRICT COURT

DISTRICT COURT
IN THE SEPARATE JUVENILE COURT OF [REDACTED] COUNTY, NEBRASKA

THE STATE OF NEBRASKA, 2014 MAY 16 PM) 2 59 EX PARTE ORDER
IN THE INTEREST OF) FOR TEMPORARY CUSTODY

SEPARATE JUVENILE COURT
K [REDACTED] O [REDACTED])

A CHILD/REN UNDER)
EIGHTEEN YEARS OF AGE.)

Doc JV14 Page [REDACTED]

The undersigned Judge of the Separate Juvenile Court for [REDACTED] County, Nebraska, was advised by Officer [REDACTED], a law enforcement officer with the [REDACTED] Police Department, on the 16th day of May, 2014, at 9:15 a.m., in an affidavit, that the above-named minor child/ren should be taken into emergency custody and be placed with the Nebraska Department of Health and Human Services because of the following, which the Court *finds* for the purpose of this hearing:

The minor child's mother is [REDACTED]. On May 15, 2014, Officer [REDACTED] was dispatched to a local convenience store as the minor child was found there and was unattended by a parent. It was determined that the minor child arrived at the store as a backseat passenger in her mother's vehicle. It was also determined that her mother asked her to go inside the store for a specified purpose. While the child was inside the store, her mother drove away and left her child behind. Later that day, [REDACTED] was pulled over on a traffic stop by a different police officer. During that traffic stop, [REDACTED] arrived in his cruiser and had the minor child in his vehicle. Ms. [REDACTED] was arrested on suspicion of driving under the influence of alcohol and she was not able to identify an appropriate person to care for the minor child. This places the minor child at risk of harm.

- (x) The Court *orders* temporary custody and placement with the Nebraska Department of Health and Human Services pending a placement hearing, based upon probable cause that the foregoing facts are true.
- (x) The Court *finds* that the foregoing facts demonstrate that returning the child/ren to his/her/their home would be contrary to the child(ren)'s health, safety, or welfare.
- (x) The Court *further finds* that the foregoing facts constituted an emergency pursuant to Neb. Rev. Stat. Section 43-248 (2) and the child/ren is/are seriously endangered in his/her/their surrounding(s) and immediate removal is necessary for the child(ren)'s protection. The court also finds that the following efforts, which were reasonable under the circumstances, were attempted to prevent the child(ren)'s removal, but the removal was/is necessary to protect his/her/their safety:

Given the emergency nature of this situation, particularly that the minor child's mother was arrested for drunk driving shortly after leaving her child behind at a gas station, no efforts were possible at the time to ensure the minor child could safely remain in her mother's care.

- ☒ The Court *orders* that the above-captioned matter be set for a temporary custody hearing on the 21st day of May, 2014, at 10:30 a.m., notice of which shall be sent by U.S. mail, postage prepaid, to the parent/guardians identified in the aforementioned affidavit/testimony, and that a Guardian ad Litem shall be appointed.
- ☐ The Court *finds* that sufficient probable cause does not exist to authorize continued temporary custody and hereby *orders* that said child/ren shall be released and returned to: _____.
- ☐ The Court *further finds* that the Nebraska Department of Health and Human Services may, at its discretion, return the minor child/ren home pending a placement hearing.
- ☒ The Court *further orders* the [REDACTED] Police Department or other law enforcement officers to immediately locate the child/ren who is/are the subject(s) of this Order and to turn his/her/their physical custody over to an authorized representative of the Nebraska Department of Health and Human Services, as is their duty under Neb. Rev. Stat. Section 43-248(3) and 43-250(4).
- ☒ The Court *further finds* that this Order shall terminate unless a Petition is filed by the [REDACTED] County Attorney's Office by 4:00 p.m. on the 19th day of May 2014.

OR

- ☐ The Court *finds* that the [REDACTED] County Attorney has filed a Petition in the interest of the above-named child/ren on the ____ day of _____, 20__.

Dated this 16th day of May, 2014.

BY THE COURT

[REDACTED]
[REDACTED]
[REDACTED]
Juvenile Court Judge

- (x) The Court *orders* temporary custody and placement with the Nebraska Department of Health and Human Services pending a placement hearing, based upon probable cause that the foregoing facts are true.
- (x) The Court *finds* that the foregoing facts demonstrate that returning the child/ren to his/her/their home would be contrary to the child(ren)'s health, safety, or welfare.
- (x) The Court *further finds* that the foregoing facts constituted an emergency pursuant to Neb. Rev. Stat. Section 43-248 (2) and the child/ren is/are seriously endangered in his/her/ their surrounding(s) and immediate removal is necessary for the child(ren)'s protection. The court also finds that the following efforts, which were reasonable under the circumstances, were attempted to prevent the child(ren)'s removal, but the removal was/is necessary to protect his/her/their safety:

Given the emergency nature of this situation, particularly that the minor child's mother was arrested for drunk driving shortly after leaving her child behind at a gas station, no efforts were possible at the time to ensure the minor child could safely remain in her mother's care.

IN THE JUVENILE COURT OF [REDACTED] COUNTY, NEBRASKA
[REDACTED] B [REDACTED] Juvenile
Proceeding under [REDACTED]
Case ID: JV [REDACTED]

Printed on 1/25/2016 at 0:57

Room [REDACTED]

Page 1

Date of Hearing 1/25/2016

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ORDER OF ADJUDICATION; ORDER OF TEMPORARY CUSTODY; NOTICE OF HEARING;

A P P E A R A N C E S A N D A D V I S E M E N T

Judge	[REDACTED]	Appeared
Dad	[REDACTED]	Appeared
Counsel	[REDACTED]	Appeared
Guardian ad Litem	[REDACTED]	Appeared
Counsel	[REDACTED]	Appeared
Health & Human Se	Dept. of Health & Human Services	Appeared
Juvenile	[REDACTED]	Did NOT Appear
Mom	[REDACTED]	Appeared
Counsel	[REDACTED]	Appeared
Plaintiff	State of Nebraska	
Counsel	[REDACTED]	Appeared

Also Appearing: [REDACTED] HHS

Reading of the Petition/Motion waived.

THE COURT EXPLAINED THE PARTIES RIGHTS including: right to counsel retained or appointed; right to a speedy adjudication hearing within 90 days of petition where State must prove allegations by a preponderance of the evidence (termination cases by clear and convincing evidence); right to remain silent if testimony elicited might provide incrimination to parent/custodian; right to testify and subpoena witnesses; right to confront and cross examine witnesses; right to appeal any final order or decision of the Court and to have a transcript of the proceedings for such purpose; right to a prompt hearing on temporary custody if juvenile has been removed.

THE COURT EXPLAINED POSSIBLE DISPOSITIONS TO THE PARTIES including; remain in the home subject to supervision; placement in foster care; placement in the care/custody of DHHS; placement in suitable institution; placement with an accredited association for care or obtaining a home; jurisdiction of the Court can continue until age 19.

THE COURT EXPLAINED POSSIBLE RAMIFICATIONS/CONSEQUENCES FOR THE PARTIES, including; parents are responsible for costs, treatment or placement; adjudication followed by failure of parents to change may cause further proceedings for termination of parental rights; child may be removed from home or not placed back in the home if parent/guardian/custodian fails to comply with Court ordered conditions; motions for termination of parental rights may be filed by the Prosecutor or Guardian Ad Litem.

The court has inquired as to whether any party believes an Indian child/children is/are involved in the proceedings and have found there is/are not.

COUNSEL/ALLEGATIONS/ADJUDICATION/PLACEMENT

Dad [REDACTED]

Party acknowledged understanding the rights, allegations, proceedings and possible dispositions.

Party answers with denial of the allegations.

Jurisdiction is proper; The party was served or appeared or waived service of process.

IN THE JUVENILE COURT OF [REDACTED] COUNTY, NEBRASKA
R [REDACTED] B [REDACTED], Juvenile
Proceeding under [REDACTED]
Case ID: JV [REDACTED]

Printed on 1/25/2016 at 0:57
Room [REDACTED]
Page 2
Date of Hearing 1/25/2016

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COUNSEL/ALLEGATIONS/ADJUDICATION/PLACEMENT -continued

Juvenile

R [REDACTED] B [REDACTED]
Court finds the juvenile to be adjudicated under 43-2473A
Temporary custody to:
Nebraska Dept of Health and Human Services

Juvenile placed in foster home under supervision of DHHS.
Foster home is:
relative foster home, [REDACTED] and [REDACTED], grandparents
Prior basis for prior findings made by Court have not changed which continue
to require placement under previous orders.

Mom

[REDACTED]
Party acknowledged understanding the rights, allegations, proceedings and
possible dispositions.
Party answers with no contest to the allegations.
Court finds a factual basis for the admission and the admissions to be
voluntary, knowing and intelligent.
Court sustains the allegations of original petition.
Party received no threats or promises regarding their answer.
Jurisdiction is proper; The party was served or appeared or waived
service of process.

A N S W E R T O P E T I T I O N

Party(s) enter answers as shown above.
Court finds a factual basis for allegations against party(s) as shown above.
Juvenile is adjudicated under Section 43-247 (3a)
Court orders a case plan and court report be prepared by NDHHS.
Jurisdiction of juvenile(s) is proper as shown above.

A D J U D I C A T I O N / M O T I O N H E A R I N G

Protective Custody Hearing held.
Hearing held on: State's motion for temporary placement

D I S P O S I T I O N / R E V I E W / P E R M A N E N C Y H E A R I N G

The Court orders custody of juvenile(s) as shown above.
Prior basis for prior findings continue as shown above.

W I T N E S S E S

[REDACTED], HHS

Called For Prosecution
Called For Mr. Morgan
Called For Mr. Morgan

COUNSEL/ALLEGATIONS/ADJUDICATION/PLACEMENT -continued

Juvenile

R [REDACTED] B [REDACTED]

Court finds the juvenile to be adjudicated under 43-2473A

Temporary custody to:

Nebraska Dept of Health and Human Services

Juvenile placed in foster home under supervision of DHHS.

Foster home is:

relative foster home, [REDACTED] and [REDACTED], grandparents

IN THE COUNTY COURT OF [REDACTED] COUNTY, NEBRASKA

IN THE INTEREST OF
M [REDACTED]

) Case No. JV16 [REDACTED]
)
)

A Juvenile Under Eighteen Years
of Age. D.O.B. [REDACTED]

) FINDINGS AND
) TEMPORARY CUSTODY ORDER

The undersigned Judge of the Juvenile Court for [REDACTED] County, Nebraska, hereby makes the following order;

____ The Court orders temporary custody and placement with the Department of Health and Human Services pending a placement hearing, based upon probable cause that the foregoing facts are true.

____ The Court finds that the foregoing facts demonstrate that returning the child to her home would be contrary to her health, safety, or welfare.

✓ The Court further finds that the foregoing facts constituted an emergency which threatened the safety of the child and that the following efforts, which were reasonable under these circumstances, were attempted to prevent the child's removal, but removal was necessary to protect her safety.

The primary caregiver suffers mental issues which places the children at risk of harm.

The Court orders that the above captioned matter be set for a placement hearing on the 24 day of May, 2016 at 4:30 o'clock p.m. Notice of the hearing shall be sent by United States Mail, postage prepaid, to the Parents/Guardians/Custodians identified in the afore mentioned sworn application. [REDACTED] licensed and practicing attorney is appointed as Guardian ad Litem to represent the Juvenile and [REDACTED], an attorney is appointed to represent the parents of the Juvenile.

IT IS SO ORDERED.

FILED

MAY 17 2016

BY THE COURT:

[REDACTED]
COUNTY JUDGE

The undersigned Judge of the Juvenile Court for [REDACTED] County, Nebraska, hereby makes the following order;

____ The Court orders temporary custody and placement with the Department of Health and Human Services pending a placement hearing, based upon probable cause that the foregoing facts are true.

____ The Court finds that the foregoing facts demonstrate that returning the child to her home would be contrary to her health, safety, or welfare.

✓ ____ The Court further finds that the foregoing facts constituted an emergency which threatened the safety of the child and that the following efforts, which were reasonable under these circumstances, were attempted to prevent the child's removal, but removal was necessary to protect her safety.

The primary caregiver suffers mental issues which places the children at risk of harm.

IN THE INTEREST OF

S [REDACTED] W [REDACTED]

CHILDREN UNDER EIGHTEEN
YEARS OF AGE

Case #

ORDER

2016-08-05 10:45:18 AM 8-5-16
[REDACTED]

The undersigned, [REDACTED], [REDACTED] County, Nebraska, was advised by Officer [REDACTED] of the [REDACTED] police Department on the 5th day of August, 2016, in affidavit, that the above-named minor was taken into emergency custody and placed with the Nebraska Health and Human Services because the following circumstances, which the court finds for the purposes:

1. That the undersigned, [REDACTED] has received an affidavit from Officer [REDACTED] of the [REDACTED] Police Department concerning the minor child, S [REDACTED] W [REDACTED], copy of which is attached hereto and incorporated herein by reference.
2. That [REDACTED] is the guardian of the aforementioned child.
3. That [REDACTED] is the mother of the aforementioned child.
4. That [REDACTED] is the father of the aforementioned child.
5. On or about August 5, 2016, Officer [REDACTED] of the [REDACTED] Police Department conducted an investigation regarding the welfare of S [REDACTED] W [REDACTED].

The Court orders continued emergency temporary custody with the Nebraska Health & Human Services for placement in foster care or other appropriate placement, with placement to exclude the home of [REDACTED] pursuant to Neb Rev. Stat.

43-254(5) pending a placement hearing, based upon probable cause that the foregoing facts are true.

The Court finds that the foregoing facts demonstrate ~~that returning the child to the home would be contrary to the child's health, safety, and welfare.~~

The Court further finds that the foregoing facts constitute an emergency which threatened the safety of the child that efforts which were reasonable under these circumstances, were attempted to prevent the child's removal was necessary to protect her safety.

1. To be determined, Attorney at Law, shall be appointed as Guardian Ad Litem, for the above minor.
2. To be determined, Attorney at Law, shall be appointed as counsel for the Guardian, [REDACTED]
3. To be determined, Attorney at Law, shall be appointed as counsel for mom, [REDACTED]
4. To be determined, Attorney at Law, shall be appointed as counsel for dad, [REDACTED]

The Court orders that the above-captioned matter shall be set for Facilitated Pre-Hearing Conference on the [REDACTED] day of [REDACTED], 2016 at [REDACTED], at the [REDACTED] County Court, [REDACTED] Nebraska, [REDACTED] A Protective Custody Hearing is to follow the Pre-Hearing in [REDACTED] notice of which shall be sent by U.S. mail, postage prepaid.

It is hereby further ordered that the parties shall inform the Court if voluntary services will be pursued in lieu of the filing of a petition.

The Court orders that the above captioned matter shall be set for a First Appearance at the Protective Custody Hearing or soon thereafter from the Facilitated

Pre-hearing conference at the [REDACTED] County Court, [REDACTED], [REDACTED]
[REDACTED], NE [REDACTED]

Dated this _____ day of August, 2016.

BY THE COURT:

[REDACTED]
[REDACTED]
Clerk Magistrate

[First page and first paragraph of court order]

The undersigned, [REDACTED], [REDACTED] County, Nebraska, was advised by Officer [REDACTED] of the [REDACTED] police Department on the *5th day of August, 2016*, in affidavit, that the above-named minor was taken into emergency custody and placed with the Nebraska Health and Human Services because the following circumstances, which the court finds for the purposes:

[Last page of court order]

Pre-hearing conference at the [REDACTED] County Court, [REDACTED], [REDACTED]
[REDACTED], NE [REDACTED]

Dated this _____ day of August, 2016.

BY THE COURT:

[REDACTED]
Clerk Magistrate

Permanency Plan Reviews

- Once title IV-E eligibility is established, a judicial determination to the effect that the title IV-E agency (DHHS), or Tribe has made reasonable efforts to finalize a permanency plan is required annually to maintain title IV-E eligibility; and
- A court order states that reasonable efforts to finalize the permanency plan that was in effect during the previous 12 months, have been made.
- If a permanency plan review is not completed within 12 months IV-E eligibility is lost until the permanency plan review is conducted.

Permanency Plan Reviews (continued)

- Court Order must state Reasonable Efforts have been made toward the previously court ordered permanency goal to continue IV-E eligibility.
- Permanency Review court order might demonstrate reasonable efforts by adopting the DHHS case plan that lists the activities related to achieving permanency.
- Permanency Review court orders demonstrate reasonable efforts by referencing the activities related to achieving permanency (Family Support, Supervised Visitation, Tracker, Therapy Services, etc.)

Permanency Plan Reviews (continued)

- Active Efforts are required for identified Native American children.
- For a child to be considered an Indian Child under ICWA the child must be:
 - a. An unmarried person under the age of eighteen; and
 - b. A person who is either a member of an Indian tribe or eligible for membership and the biological child of a member of an Indian tribe.

IN THE SEPARATE JUVENILE COURT OF [REDACTED] COUNTY, NEBRASKA

THE STATE OF NEBRASKA
IN THE INTEREST OF

[REDACTED] COUNTY
2016 MAR 23 PM 1 04

ORDER REGARDING
PERMANENCY PLAN

K [REDACTED] J [REDACTED] CLERK OF THE
N [REDACTED] J [REDACTED] DISTRICT COURT
A JUVENILE(S).

JV 12-[REDACTED]

Now on this 22nd day of March 2016, this matter came on for hearing
on the Permanency Plan, with a record of all proceedings being kept.

Evidence was offered and received on the matter of the permanency plan.

The Court finds that the Permanency Plan of the Department of Health and Human Services of
adoption is appropriate and should be approved/~~is inappropriate and should be~~
~~modified.~~

The Court finds that reasonable efforts have been made by the Department of Health and Human
Services to finalize a permanency plan including parenting/acceptance;
and support; therapy ~~reasonable efforts have not been made.~~

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE
COURT that the foregoing permanency plan of us alone is in the best interest of
us alone and provides for his/her/their safety and welfare.

Dated this 22 day of March 2016.

BY THE COURT:

[REDACTED]
Juvenile Court Judge [REDACTED]

The Court finds that the Permanency Plan of the Department of Health and Human Services of adoption is appropriate and should be approved/~~is inappropriate and should be modified.~~

The Court finds that reasonable efforts have been made by the Department of Health and Human Services to finalize a permanency plan including parent in to adopt home;
and support; therapy ~~reasonable efforts have not been made.~~

DISTRICT COURT
IN THE SEPARATE JUVENILE COURT OF [REDACTED] COUNTY, NEBRASKA

IN THE STATE OF NEBRASKA
IN THE INTEREST OF [REDACTED]
SEPARATE JUVENILE COURT

K [REDACTED] O [REDACTED]
A JUVENILE

ORDER REGARDING
PERMANENCY PLAN
Doc. JV14 Page [REDACTED]

Now on this 24th day of June, 2015, this matter came on for hearing on the Permanency Plan, with a record kept by [REDACTED]

[REDACTED], Deputy [REDACTED] County Attorney, appeared as counsel for the Petitioner.

[REDACTED], Attorney at Law, appeared for [REDACTED] who did appear.

[REDACTED] Attorney at Law, appeared for [REDACTED], who did appear.

[REDACTED] Attorney at Law, appeared as Guardian Ad Litem, in the interest of the juvenile.

[REDACTED], Attorney at Law, appeared on behalf of the Nebraska Department of Health and Human Services.

[REDACTED] appeared on behalf of FCRO.

Evidence was offered and received on the matter of the permanency plan.

The Court finds that a Permanency Plan of reunification is appropriate and should be approved. While HHS is working on this plan, it will be working concurrently on ways to provide permanency through an alternative plan. At this time, the alternative plan is adoption.

The Court further finds that reasonable efforts have been made by DHHS to finalize the permanency plan as set forth in exhibit #13.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED that the foregoing permanency plan of reunification is in the best interest of the juvenile and provides for the safety and welfare of said juvenile. While DHHS is working on this plan, it will be working concurrently on ways to provide permanency through an alternative plan. At this time, the alternative plan is adoption.

Dated this 26th day of June, 2015.

BY THE COURT:

[REDACTED]
[REDACTED]
[REDACTED] Judge

[From page 1]

The Court finds that a Permanency Plan of reunification is appropriate and should be approved. While HHS is working on this plan, it will be working concurrently on ways to provide permanency through an alternative plan. At this time, the alternative plan is adoption.

[From Page 2]

The Court further finds that reasonable efforts have been made by DHHS to finalize the permanency plan as set forth in exhibit #13.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED that the foregoing permanency plan of reunification is in the best interest of the juvenile and provides for the safety and welfare of said juvenile. While DHHS is working on this plan, it will be working concurrently on ways to provide permanency through an alternative plan. At this time, the alternative plan is adoption.

Dated this 26th day of June, 2015.

BY THE COURT:

[REDACTED]

C [REDACTED], H [REDACTED]
C [REDACTED], M [REDACTED]

) JV 14 [REDACTED]
)
) DISPOSITION AND
) PERMANENCY PLANNING
) AND EVALUATION
) ORDER AND NOTICE

[REDACTED] W

Family Support [redacted]; [redacted], CASA; and [redacted] CASA.

2016 Mar 18 PM 4:17

FILED
JUVENILE COURT
COUNTY OF NEBRASKA

finds
the

1. That notice, service and jurisdiction of the Court in this matter are proper;
2. That the parents failed to appear for this hearing;
3. That the oral motion of the mother's attorney to continue this hearing is overruled;
4. That the permanency objective is reunification with a concurrent objective of adoption;

5. That active efforts have been made to comply with the Court's written permanency objective for the minor children, but it would be contrary to the health and safety of the minor child to be returned home at this time as set forth in Exhibit No. 5;
6. That it would be in the best interest of the minor children to remain in the care and custody of the Nebraska Department of Health and Human Services/[REDACTED] for continued appropriate care and placement consistent with the Court's permanency objective, to exclude the home of the parent, until further Order of the Court;
7. That the parties have submitted the matter for disposition and pursuant to the findings made previously herein and in order to remedy the conditions that brought this matter before the Court, the parent should comply with the plan designed to correct the conditions that brought this matter before the Court.

IT IS HEREBY ORDERED that the minor children are to remain in the custody of the Nebraska Department of Health and Human Services/[REDACTED] for continued appropriate care and placement consistent with the Court's permanency objective, to exclude the home of the parent, until further Order of the Court.

IT IS FURTHER ORDERED that the mother and father, [REDACTED] and [REDACTED] shall:

1. Undergo Initial Diagnostic Interviews as arranged by the Nebraska Department of Health and Human Services/[REDACTED] and sign releases of information so that the results of the assessments can be obtained by the Nebraska Department of Health and Human Services [REDACTED]
[REDACTED]

2. Undergo chemical dependency evaluations as arranged by the Nebraska Department of Health and Human Services, [REDACTED] and sign releases of information so that the results of the evaluations can be obtained by the Nebraska Department of Health and Human Services [REDACTED]
3. Submit to random drug and alcohol testing as directed by and paid for by the Nebraska Department of Health and Human Services, in any form designated by the Nebraska Department of Health and Human Services [REDACTED], immediately upon request;
4. Participate with a peer mentor as arranged by the Nebraska Department of Health and Human Services [REDACTED]
5. Complete couple's therapy as arranged by the Nebraska Department of Health and Human Services [REDACTED].

IT IS FURTHER ORDERED that the Nebraska Department of Health and Human Services shall pay for these services to the extent that the parent(s) do not have benefits, insurance or the independent ability to pay.

IT IS FURTHER ORDERED that the parents notify the Court, all counsel in this matter, and the Nebraska Department of Health and Human Services [REDACTED] of any change of address and phone number within 48 hours of said change.

IT IS FURTHER ORDERED that this matter shall be set for a Review and Permanency Planning hearing on September 15, 2015 at 2:30 p.m.

IT IS FURTHER ORDERED that counsel notify their clients of the hearing date and time and the Nebraska Department of Health and Human Services [REDACTED] notify the foster care provider of all hearing dates and times.

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JV 14- [REDACTED]

IT IS FURTHER ORDERED that any written reports to be submitted at the next hearing (i.e., disposition, review or check hearings) shall be made available to counsel and presented to the Court at least five business days prior to the hearing.

Dated this 17th day of March, 2015.

BY THE COURT:

[REDACTED]
Juvenile Court Judge

[From Page 1]

4. That the permanency objective is reunification with a concurrent objective of adoption;

[From page 2]

5. That active efforts have been made to comply with the Court's written permanency objective for the minor children, but it would be contrary to the health and safety of the minor child to be returned home at this time as set forth in Exhibit No. 5;

IN THE SEPARATE JUVENILE COURT OF [REDACTED] COUNTY, NEBRASKA
THE STATE OF NEBRASKA
IN THE INTEREST OF [REDACTED]
K [REDACTED] O [REDACTED]
A JUVENILE

2014 NOV 12 PM 8:26
SEPARATE JUVENILE COURT
ORDER OF DISPOSITION; NOTICE
OF REVIEW HEARING
Doc. JV14 Page [REDACTED]

The above entitled matter came on for hearing on the 5th day of November 2014, for disposition with a record of all proceedings being kept by [REDACTED]

[REDACTED], Deputy [REDACTED] County Attorney, appeared as counsel for the Petitioner.

[REDACTED], Attorney at Law, appeared for [REDACTED], who did appear.

[REDACTED], Attorney at Law, appeared for [REDACTED] who did appear.

[REDACTED] Attorney at Law, appeared as Guardian Ad Litem, in the interest of the juvenile.

[REDACTED], Attorney at Law, appeared on behalf of the Nebraska Department of Health and Human Services.

[REDACTED], foster parent, appeared.

Exhibits No. 4 and 8, Court Report, were offered and received.

Exhibits No. 5 and 9, Guardian Ad Litem Report, were offered and received.

Exhibit No. 6, Cost of Care Affidavit, was offered and received.

[REDACTED] was sworn and testified.

Statements were made to the Court.

The Court finds that reasonable efforts have been made to return the legal and physical custody of the above named juvenile home, as set forth in exhibit #4, but to do so would be contrary to the health, safety, and welfare of the juvenile and, therefore, it is necessary and in the best interest of the juvenile to continue in the legal custody of the Nebraska Department of Health and Human Services in an out of home placement.

The Court finds the plan is reasonable and material to the Court's jurisdictional basis and should be approved as modified as being in the best interest of the juvenile.

The Court finds that removal from the home was necessary because continuation therein would have been contrary to the health, safety and welfare of the juvenile. Placement continues to be necessary due to the safety and well being of the juvenile. Custody of the juvenile shall remain with HHS for appropriate care and placement. All services being provided are in compliance with the case plan. Good progress is being made to alleviate the causes of out-of-home placement. Reasonable efforts have been made to preserve and reunify the family prior to the placement of the in out-of-home care. The primary permanency plan is reunification. While HHS is working on this plan, it will be working concurrently on ways to provide permanency through an alternative plan. At this time the alternative plan is adoption.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE COURT that the juvenile shall remain in the custody of the Nebraska Department of Health and Human Services for placement, treatment and care subject to the plan as hereinafter approved by the Court which all parties shall obey.

1. K [REDACTED] O [REDACTED] shall remain in the temporary legal custody of the Department of Health and Human Services for placement, treatment and care. The physical custody of K [REDACTED] O [REDACTED] shall remain with [REDACTED], grandfather.

2. The Department of Health and Human Services and the Guardian Ad Litem shall have access to K [REDACTED] C [REDACTED] and to all case information pertaining to placement, treatment and care.
3. The Department of Health and Human Services, the Guardian Ad Litem, school personnel, medical providers working with the family shall be authorized to exchange information related to the development or evaluation of a plan to correct the condition resulting in this adjudication.
4. [REDACTED] shall provide a safe and stable living environment for K [REDACTED] O [REDACTED].
5. [REDACTED] shall cooperate with family support services as arranged by the Department of Health and Human Services.
6. [REDACTED] shall participate in monitored visits with her daughter, K [REDACTED], as arranged by the Department of Health and Human Services. [REDACTED] shall have overnight parenting time with 10 days notice to all parties and with any object to be set for hearing.
7. [REDACTED] shall notify the Department of Health and Human Services within 24 hours of any change in address, phone number or employment status.
8. [REDACTED] shall not use or possess alcohol or any controlled substances, except as prescribed by a physician, and shall submit to random drug and alcohol testing as directed by the Department of Health and Human Services.
9. [REDACTED] shall sign releases of information for the Department of Health and Human Services to contact current and past treatment providers and health care professionals.
10. The Department of Health and Human Services shall make any treatment or services recommended by her evaluation available to [REDACTED].
11. [REDACTED] shall cooperate with a pretreatment assessment. The Department of Health and Human Services shall arrange any recommended services.
12. [REDACTED] shall have therapeutic visits with K [REDACTED] C [REDACTED] as arranged by the Department of Health and Human Services and as approved by her therapist.
13. [REDACTED] shall successfully complete intensive outpatient treatment focused on mental health and substance abuse, and the step down program recommended by her treatment provider as arranged by the Department of Health and Human Services.

14. [REDACTED] shall take medication as prescribed, and maintain regular contact with her medication provider to monitor her mental health adjustments.
15. The Department of Health and Human Services shall pay for Court ordered services if other funds are not available.
16. [REDACTED] shall obtain and maintain a safe and stable residence as well as a legal means of support.
17. Neither parent shall discuss this case or disparage the other parent in the presence of K [REDACTED] C [REDACTED].
18. [REDACTED] shall cooperate with family therapy as arranged by the Department of Health and Human Services.

Disposition in this case shall be reviewed on **January 29, 2015 from 1:30 p.m. to 2:00 p.m.**, or as ordered by the Court in the event of a change of circumstances.

The Nebraska Department of Health and Human Services case manager shall prepare a case plan and court report and submit said report to the Court, counsel and all parties not less than five working days prior to the next hearing.

IT IS FURTHER ORDERED that the Guardian Ad Litem shall prepare a Guardian Ad Litem's Report and submit said report to the Court and all parties and counsel by 4:00 p.m. two (2) working days prior to the Court hearing.

IT IS FURTHER ORDERED that the child support hearing is continued to **January 29, 2015 from 1:30 p.m. to 2:00 p.m.**, at which time all parties and counsel shall appear.

Dated this 12th day of November 2014.

BY THE COURT:

[REDACTED]
[REDACTED] Judge

[From Page 2]

The Court finds that reasonable efforts have been made to return the legal and physical custody of the above named juvenile home, as set forth in exhibit #4, but to do so would be contrary to the health, safety, and welfare of the juvenile and, therefore, it is necessary and in the best interest of the juvenile to continue in the legal custody of the Nebraska Department of Health and Human Services in an out of home placement.

[Excerpt from Page 2]

remain with HHS for appropriate care and placement. All services being provided are in compliance with the case plan. Good progress is being made to alleviate the causes of out-of-home placement. Reasonable efforts have been made to preserve and reunify the family prior to the placement of the in out-of-home care. The primary permanency plan is reunification. While HHS is working on this plan, it will be working concurrently on ways to provide permanency through an alternative plan. At this time the alternative plan is adoption.

IN THE JUVENILE COURT OF [REDACTED] COUNTY, NEBRASKA
R [REDACTED] A [REDACTED] Juvenile
Proceeding under 43-247 (3a)
Case ID: JV 16 [REDACTED]

Printed on 6/06/2016 at 11:13

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Date of Hearing 6/06/2016

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NOTICE OF HEARING; ORDER OF DISPOSITION;

A P P E A R A N C E S A N D A D V I S E M E N T

Judge	[REDACTED]	Appeared
Guardian ad Litem	[REDACTED]	Appeared
Counsel	[REDACTED]	Appeared
Health & Human Se	[REDACTED]	Appeared
Juvenile	[REDACTED]	Did NOT Appear
Mom	[REDACTED]	Appeared
Counsel	[REDACTED]	Appeared
Plaintiff	State of Nebraska	
Counsel	[REDACTED]	Appeared

THE COURT PREVIOUSLY EXPLAINED RIGHTS.

THE COURT PREVIOUSLY EXPLAINED DISPOSITIONS AND RAMIFICATIONS.

COUNSEL/ALLEGATIONS/ADJUDICATION/PLACEMENT

Juvenile R [REDACTED] A [REDACTED]
Juvenile placed in custody of DHHS.
Prior basis for prior findings made by Court have not changed which continue
to require placement under previous orders.

O R D E R S

The Court orders:

Notice of date, time and location of hearing was properly given as
required by law.
All previous orders not in conflict with this order shall remain in
full force and effect.

Court orders that parenting time be supervised.

Court appoints CASA.

D I S P O S I T I O N / R E V I E W / P E R M A N E N C Y H E A R I N G

Disposition Hearing held.

The Court finds the provisions of the DHHS case plan of 5/24/2016 are reasonably
material to the rehabilitation objective of eliminating the situation or condition
for which the adjudication has been obtained and is adopted by the Court. All
parties are directed to comply with its terms including any Court ordered amendments.

The Court further finds that pursuant to Neb. Rev. Stat. 84-712.05, as amended by
LB 719, NDHHS/OJS should be allowed to receive and share pertinent confidential
information not otherwise prohibited by the Federal Privacy Act of 1974, regarding
records of the court, schools, county attorney, law enforcement agencies, state
probation personnel, state parole personnel, youth detention facilities, medical
personnel treatment or placement programs, DHHS, Dept. of Correctional Services, FCRO
and child abuse and neglect investigation and treatment teams with those agencies
having or seeking such pertinent information.

Image ID: [REDACTED]

JOURNAL ENTRY AND ORDER(S)

IN THE JUVENILE COURT OF [REDACTED] COUNTY, NEBRASKA

R [REDACTED] A [REDACTED] Juvenile
Proceeding under 43-247 (3a)
Case ID: JV 16 [REDACTED]

Printed on 6/06/2016 at 11:13

Room [REDACTED]

Page 2

Date of Hearing 6/06/2016

DISPOSITION/REVIEW/PERMANENCY HEARING continued

The Court orders custody of juvenile(s) as shown above.

Prior basis for prior findings continue as shown above.

EXHIBITS

1 OFRD RCVD HHS Case Plan of 05/24/2016

2 OFRD RCVD GAL 1st Report

NOTICE OF HEARINGS

Case continued to 8/22/2016 at 10:00 AM on motion of the Court,
in County Courtroom 01 for Juvenile Review

Hon. [REDACTED]

6/06/2016

JoAnne Garcia

Date

Bailiff

Tape Nos. CD 06/06/2016

D I S P O S I T I O N / R E V I E W / P E R M A N E N C Y H E A R I N G

Disposition Hearing held.

The Court finds the provisions of the DHHS case plan of 5/24/2016 are reasonably material to the rehabilitation objective of eliminating the situation or condition for which the adjudication has been obtained and is adopted by the Court. All parties are directed to comply with its terms including any Court ordered amendments.

NEW EPISODE

- When a State or Tribal Ward has been returned home on a trial basis, for 6 months or longer and the child is then removed from the parental home a new IV-E eligibility determination must be made.
- A new removal order is required that meets Contrary to the Welfare and Reasonable Efforts to prevent removal findings.
- This Court Order must coincide with the physical removal of the child for the new episode of foster care.

A Court Order is Required When:

- A child is initially physically removed from the parental home.
- A child has been returned to the parental home for 180 days or longer and then is removed from the home and placed in an out of home placement.
- A child has been in foster care for 12 months. A permanency review is required to maintain IV-E eligibility.

A Court Order is Required When:

- A child in a legal guardianship, is removed from the legal guardians physical custody, and is placed in the custody of DHHS.
- A child is involved with Probation, and is subsequently placed in DHHS legal custody.

Summary of IV-E Eligibility

- The child must be a United States Citizen or meet immigration status for legal residence.
- The child must be removed from a specified relative's home, or have been living with a specified relative in the last 6 months, prior to removal.
- The family and child need to meet AFDC financial eligibility.
- The child must be deprived of parental support

Summary of IV-E Eligibility (continued)

- The court order for legal custody must meet federal guidelines.
- A permanency review is required every 12 months to continue IV-E eligibility

Contacts

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